

FIRST REGULAR SESSION

SENATE BILL NO. 433

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 23, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2033S.011

AN ACT

To repeal sections 701.500, 701.503, and 701.506, RSMo, and to enact in lieu thereof three new sections relating to energy efficiency standards for appliances.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 701.500, 701.503, and 701.506, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 701.500,
3 701.503, and 701.506, to read as follows:

701.500. 1. As used in sections 701.500 to 701.515, the following terms
2 shall mean:

- 3 (1) "Department", the department of natural resources;
- 4 (2) "Director", the director of the department of natural resources;
- 5 (3) "Energy star program", a joint program of the United States
6 Environmental Protection Agency and the United States Department of Energy
7 that identifies and promotes energy efficient products and practices.

8 2. The provisions of sections 701.500 to 701.515 shall apply to appliances
9 and consumer electronics [that have earned the energy star under the energy star
10 program or] that **do not** have minimum energy efficiency standards required
11 under federal law.

12 3. No person shall sell, offer for sale, or install any new product listed in
13 subsection 2 of this section in the state unless the product meets the minimum
14 energy efficiency standards under sections 701.500 to 701.515.

15 4. The provisions of sections 701.500 to 701.515 shall not apply to
16 products:

- 17 (1) Manufactured in the state and sold outside the state;
- 18 (2) Manufactured outside the state and sold at wholesale inside the state

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 for final retail sale outside the state;

20 (3) Installed in mobile manufactured homes at the time of construction;

21 or

22 (4) Designed expressly for installation and use in recreational vehicles.

701.503. 1. In conjunction with the advisory group under section 701.509,
2 the director shall promulgate, by rule, the minimum energy efficiency standards
3 for the products in subsection 2 of section 701.500. Any rule or portion of a rule,
4 as that term is defined in section 536.010, RSMo, that is created under the
5 authority delegated in this section shall become effective only if it complies with
6 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
7 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
8 and if any of the powers vested with the general assembly pursuant to chapter
9 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
10 rule are subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2008, shall be
12 invalid and void.

13 2. The standards enacted by the director, in conjunction with the advisory
14 group under section 701.509, shall not be more stringent than the federal energy
15 star program requirements [or], if [no] such requirements are applicable[, the
16 minimum standard required by federal law].

701.506. In conjunction with the advisory group under section 701.509,
2 the department shall update the minimum energy efficiency standards in section
3 701.503 not less than once every three years beginning from the date the
4 standards were first promulgated by rule. The purpose of any such update shall
5 be to keep the state standards current with technological advancements and
6 industry practices with regard to energy efficiency, while also giving due
7 consideration to consumer and environmental costs and benefits. The department
8 shall strive to have the standards achieve greater energy efficiency over time in
9 a prudent and reasonable manner. Standards shall not be more stringent than
10 required by the federal energy star program requirements [or], if [no] such
11 requirements are applicable[, the minimum standard required by federal law].

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